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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/705,924	11/13/2003	Kenji Kojima	Q78398	7299
23373 7590 08/08/2007 SUGHRUE MION, PLLC 2100 PENNSYLVANIA AVENUE, N.W. SUITE 800 WASHINGTON, DC 20037			EXAMINER EHNE, CHARLES	
			ART UNIT 2113	PAPER NUMBER
			MAIL DATE 08/08/2007	DELIVERY MODE PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	Application No. 10/705,924	Applicant(s) KOJIMA, KENJI	
	Examiner Charles Ehne	Art Unit 2113	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☒ Responsive to communication(s) filed on 13 November 2003.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 1-25 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1,12-14,16-19,24 and 25 is/are rejected.
- 7) ☒ Claim(s) 2-11,15 and 20-23 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All    b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |   |   |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)  | 5) <input type="checkbox"/> Notice of Informal Patent Application                       |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date <u>11/13/2003</u> . | 6) <input type="checkbox"/> Other: _____  |

## **DETAILED ACTION**

### ***Claim Rejections - 35 USC § 101***

35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

Claims 24 and 25 are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter. Thus, these claims merely recite a program per se, which is not permissible under the Examination Guidelines for Computers - Related Inventions. The examiner suggests the following as a way to correct those claims: A maintenance service program having a computer readable medium with computer readable program code stored thereon, said computer readable code comprising...'

### ***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1,12-14,16-19 and 24 are rejected under 35 U.S.C. 102(e) as being anticipated by Higgins (6,785,623).

As to claim 1, Higgins discloses a maintenance service system for carrying out maintenance service on a multi-vendor system, comprising:

a multi-vendor system which is constructed by various types of equipments supplied from plural vendors and carries out information processing (Figure 1.12, column 2, lines 34-38);

a multi-vendor system monitoring and reporting server which is connected to said multi-vendor system, detects a trouble in the multi-vendor system and reports trouble information (Figure 1.10, column 2, lines 34-44);

a primary maintainer terminal which is managed and operated by a primary maintainer, receives the trouble information reported from said multi-vendor system monitoring and reporting server, instructs a trouble solving dealing to a maintenance company system associated with the trouble, and creates and transmits a report document relating to a trouble occurrence condition and a trouble solving condition (column 3, lines 31-35); and

the maintenance company system for receiving the trouble information reported from said multi-vendor system monitoring and reporting server to do maintenance of said equipments constituting said multi-vendor system (column 3, lines 51-60).

As to claim 12, Higgins discloses the maintenance service system according to claim 1, further comprising

a system manager device containing a system console, an operation monitoring server and a mail server to manage the multi-vendor system at a system manager (Figure 1.10 & 1.20, column 3, lines 35-40).

As to claim 13, Higgins discloses the maintenance service system according to claim 12, wherein

said system console and said operation monitoring server have means for detecting a message containing a trouble term from messages received by the system console and the operation monitoring server and transmitting the message thus detected to the primary maintainer terminal (column 3, lines 51-66).

As to claim 14, Higgins discloses a maintenance service method for carrying out maintenance service method for a multi-vendor system which is constructed by various types of equipments supplied from plural vendors and carries out information processing, said method comprising the steps of:

at a multi-vendor system monitoring and reporting server, monitoring said multi-vendor system to detect a trouble, reporting trouble information to a primary maintainer terminal and a maintenance company system (Figure 1.10, column 2, lines 34-44);

at said primary maintainer terminal, receiving the trouble information reported from the multi-vendor system monitoring and reporting server, carrying out trouble analysis and trouble dealing, instructing a trouble solving dealing to a maintenance company system associated with the trouble, creating a report document on trouble

occurrence condition to transmit the report document to a system manager device, an end user client and a maintenance company system (column 3, lines 31-35);

at said maintenance company system, receiving the trouble information reported from said multi-vendor system monitoring and reporting server, receiving the instruction of the trouble solving dealing from said primary maintainer terminal, carrying out maintenance of equipments under trouble which constitutes said multi-vendor system, reporting a trouble dealing condition to the primary maintainer terminal(column 3, lines 51-60); and

at said primary maintainer terminal, creating a report document on the trouble solving condition to transmit the report document to the system manager device, the end user client and the maintenance company (columns 3-4, lines 61-6).

As to claim 16, Higgins discloses the maintenance service method according to claim 14, further comprising the steps of at a primary maintainer, starting and executing a test run job after the step of carrying out trouble dealing is completed, checking whether the trouble is finished, and restarting a business operation (column 3, lines 9-14).

As to claim 17, Higgins discloses the maintenance service method according to claim 14, wherein the step of carrying out trouble dealing is entirely carried out by operation of a primary maintainer (column 3, lines 9-10).

As to claim 18, Higgins discloses the maintenance service method according to claim 14, wherein the step of carrying out trouble dealing is carried out with initiative by a primary maintainer grasping the whole of said multi-vendor system while the burden of said step of carrying out trouble dealing is shared to the primary maintainer and secondary and subsequent maintainers (column 3, lines –9-14 & columns 3-4, lines 51-8).

As to claim 19, Higgins discloses the maintenance service method according to claim 14, wherein the step of carrying out trouble dealing comprises a window dealing step at which the primary maintainer carries out a window dealing work to the system manager and the end user, wherein the primary maintainer delivers the trouble dealing work to the secondary and subsequent maintainers and the trouble dealing work thus delivered is carried out by the secondary and subsequent maintainers (column 3, lines 15-17 & column 4, lines 1-8).

As to claim 24, Higgins discloses a maintenance service program for enabling a computer to execute maintenance service method for a multi-vendor system which is constructed by various types of equipments supplied from plural vendors and carries out information processing, said method comprising the steps of:

at a multi-vendor system monitoring and reporting server, monitoring the multi-vendor system to detect a trouble, and reporting trouble information to a primary

maintainer terminal and a maintenance company system (Figure 1.10, column 2, lines 34-44 & column 3, lines 31-35);

at the primary maintainer terminal, receiving the trouble information reported from the multi-vendor system monitoring and reporting server, carrying out a trouble dealing work, a function of instructing a trouble solving work to a maintenance company system associated with the trouble, and creating a report document on a trouble occurrence condition and a trouble solving condition and transmitting the report document to a system manager device, an end user client and the maintenance company system (column 3, lines 51-60); and

at the maintenance company system, receiving the trouble information reported from the multi-vendor system monitoring and reporting server, receiving an instruction of the trouble solving work from the primary maintainer terminal, carrying out maintenance for trouble equipment constituting the multi-vendor system and a function of reporting a trouble dealing condition to the primary maintainer terminal (columns 3-4, lines 61-6).

### ***Allowable Subject Matter***

Claims 2-11, 15 and 20-23 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.


### ***Conclusion***



Any inquiry concerning this communication or earlier communications from the examiner should be directed to Charles Ehne whose telephone number is (571)-272-2471. The examiner can normally be reached on Monday-Friday 8:30-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Robert Beausoliel can be reached on (571)-272-3645. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

  
ROBERT BEAUSOLIEL  
SUPERVISOR/ART EXAMINER  
ART UNIT 2113